

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re:

**CMHA-TCB LAUREL HOMES I
LIMITED PARTNERSHIP**

Debtor.

:
:
:
: Chapter 11
: Case No. 11-11953
: Judge Burton Perlman

**CMHA-TCB LAUREL HOMES V
LIMITED PARTNERSHIP**

Debtor.

:
:
:
: Chapter 11
: Case No. 11-11966
: Judge Burton Perlman
:
:

**MOTION FOR ENTRY OF AN ORDER DIRECTING
JOINT ADMINISTRATION OF DEBTORS' CHAPTER 11 CASES**

Debtors CMHA-TCB Laurel Homes I Limited Partnership ("Laurel Homes I") and CMHA-TCB Laurel Homes V Limited Partnership ("Laurel Homes V") (collectively "Debtors") move this Court ("Motion") under Bankruptcy Rule 1015(b) for entry of an order ("Order"), in the form attached as Exhibit A, granting joint administration of their respective chapter 11 cases (collectively "Chapter 11 Cases"). In support of this Motion, Debtors state:

JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of this proceeding and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory basis for the requested relief is Bankruptcy Rule 1015(b).

BACKGROUND

3. Debtors commenced the Chapter 11 Cases by filing voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on March 31, 2011.

4. Debtors are operating their businesses and managing their affairs as debtors-in-possession. No creditors' committee, trustee or examiner has been appointed in either of the Chapter 11 Cases.

5. Laurel Homes I and Laurel Homes V own and operate phases of the City West Housing Development located in the West End of Cincinnati.

6. The Laurel Homes I and Laurel Homes V phases of the City West Housing Development, together with all other phases of the City West Housing Development, are managed by The Community Builders, Inc. ("TCB").

7. TCB Laurel Homes I, Inc., an Ohio corporation, is the General Partner of Laurel Homes I ("General Partner").

8. TCB Laurel Homes V, Inc., an Ohio corporation, is the General Partner of Laurel Homes V ("General Partner").

9. GBCD Partnership Services, Inc., a Massachusetts corporation, owns 100% of TCB Laurel Homes I, Inc. and 79% of TCB Laurel Homes V, Inc. GBCD Partnership Services, Inc. is owned 100% by TCB.

10. The NEF Assignment Corporation, an Illinois not-for-profit corporation, as nominee ("NEF"), is the Limited Partner, which owns approximately 99.99% of both Laurel Homes I and Laurel Homes V, with the balance of each entity being owned by its General Partner and an Ohio corporation that acts as an "Authority Limited Partner" sponsored by Cincinnati Metropolitan Housing Authority, an unincorporated association ("CMHA").

11. Laurel Homes I and Laurel Homes V entered into separate financing agreements with the Cincinnati Development Fund, Inc., an Ohio not-for-profit corporation (“CDF”), which subsequently assigned its mortgage loan interests to and continues to service said mortgage loan interests on behalf of PNC Bank, N.A., as Trustee.

12. Both Laurel Homes I and Laurel Homes V, because these phases of the City West Housing Development are “mixed finance” developments containing public housing units, low income housing tax credit units, and market rate housing units, have various contractual relationships with CDF, the Ohio Housing Financing Agency, an independent state agency (“OHFA”), and CMHA.

13. Laurel Homes I and Laurel Homes V were named defendants in a foreclosure action filed by PNC Bank, N.A., as Trustee in Hamilton County, Ohio Court of Common Pleas Case Number A-10-10292, pursuant to which a receiver was sought to be appointed for Debtors’ phases of the City West Housing Development, which action was stayed upon the filing of these Chapter 11 Cases.

14. Both Debtors have kept relatively current in paying outside vendor unsecured creditors not affiliated with Debtors, such that the unsecured debt to outside vendors in each case is not significant.

15. Based on the foregoing, the development and operation of Laurel Homes I and Laurel Homes V involve the same nucleus of operative facts, including but not limited to similar documents, the same regulations, the same lending parties, and similar contractual arrangements with the governmental or quasi-governmental entities and agencies involved.

RELIEF REQUESTED

16. To efficiently administer Debtors pending Chapter 11 Cases, they should be jointly administered, for procedural purposes only, under the case number assigned to Laurel Homes I, which was the first case to be filed.

17. Bankruptcy Rule 1015(b) provides that: “(i)f...two or more petitions are pending in the same court by or against...(4) a debtor and an affiliate, the court may order a joint administration of the estates.”

18. Debtors are an “affiliate” of each other as that term is defined in Bankruptcy Code § 101(2).

19. The secured lenders and other significant interested parties are the same in both cases. There does not appear to be any inherent conflicts of interest between Debtors. Both Debtors will likely be served by the same professionals subject to retention by the Court.

20. Many of the motions, hearings, and orders that will arise in these Chapter 11 Cases will jointly affect both Debtors. By jointly administering these Chapter 11 Cases, Debtors will be able to reduce fees and costs resulting from the administration of these cases and ease the administrative burden of having to file multiple and duplicative documents.

21. The rights of Debtors’ respective creditors will not be adversely affected by the joint administration of these Chapter 11 Cases because this Motion requests only administrative, not substantive, consolidation of the estates. For example, any creditor may still file a claim against a particular Debtor or its estate, or both Debtors and their respective estates. Debtors’ creditors will benefit from the reduced costs resulting from joint administration. This Court also will be relieved of the burden of entering duplicative orders and maintaining duplicative files.

Finally, supervision of the administrative aspects of these Chapter 11 Cases by the Office of the United States Trustee will be simplified.

22. Based on the foregoing, the joint administration of these Chapter 11 Cases is in the best interest of Debtors, their creditors and all parties-in-interest. Accordingly, Debtors request that the caption of these Chapter 11 Cases be modified to reflect the joint administration of such cases, as follows:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE:	:	Chapter 11
	:	
CMHA-TCB LAUREL HOMES I	:	Case No: 11-11953
LIMITED PARTNERSHIP, et al. ¹	:	(Jointly Administered)
	:	
Debtor	:	Judge Burton Perlman
	:	

¹Debtors in these Chapter 11 Cases are: CMHA-TCB Laurel Homes I Limited Partnership and CMHA-TCB Laurel Homes V Limited Partnership.

23. Debtors also request that a docket entry be made in each of the above-captioned cases substantially as follows:

An order has been entered in this case directing the procedural consolidation and joint administration of the chapter 11 cases commenced by CMHA-TCB Laurel Homes I Limited Partnership and CMHA-TCB Laurel Homes V Limited Partnership, which filed under Case Nos. 11-11953 and 11-11966, respectively. The docket in Case No. 11-11953 should be consulted for all matters affecting the above listed cases.

24. Debtors also seek authority to file monthly operating reports required by the Operating Guidelines and Financial Reporting Requirements promulgated by the U.S. Trustee on a consolidated basis if Debtors determine, after consultation with the U.S. Trustee, that filing consolidated reports promotes administrative efficiency without prejudice to parties in interest.

WAIVER OF MEMORANDUM OF LAW

25. This Motion includes citations to and a discussion of the applicable authorities. Accordingly, Debtors respectfully submit that such citations and discussion satisfy the requirement that Debtors submit a separate memorandum of law in support of this Motion pursuant to Local Bankruptcy Rule 9013-1(a).

NOTICE

26. No trustee, examiner, or creditors' committee has been appointed in these Chapter 11 Cases. Debtors have provided notice of this Motion to: (i) the Office of the United States Trustee for the Southern District of Ohio; (ii) the creditors listed on Debtors' list of twenty largest unsecured creditors, as filed with the chapter 11 petition; (iii) all parties asserting a security interest or mortgage in the assets of Debtors to the extent reasonably known to Debtors; (iv) all parties who have entered a notice of appearance in these Chapter 11 Cases; and the creditors listed on the attached Master Service List. In light of the nature of the relief requested, Debtors submit that no further notice is required or needed under the circumstances.

NO PRIOR REQUEST

27. No prior motion for relief requested herein has been made to this Court or any other court.

WHEREFORE, Debtors respectfully request that this Court enter an order, substantially in the form attached hereto as Exhibit A, (i) authorizing the joint administration of these Chapter 11 Cases under the case number assigned to Laurel Homes I, and (ii) granting such other relief as this Court deems appropriate.

April 6, 2011

Respectfully submitted,

/s/ Charles M. Meyer

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Proposed Attorneys for Debtors

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2011, a copy of the foregoing Motion for Entry of an Order Directing Joint Administration of Debtors' Chapter 11 Cases was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

U.S. Trustee

and on the following by **ordinary U.S. Mail** addressed to:

See attached Master Service List.

/s/ Charles M. Meyer, Esq.

Charles M. Meyer, Esq.

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**MASTER SERVICE LIST
FOR
LAUREL HOMES I & LAUREL HOMES V**

A&V Contactors, LLC 232 Huron Avenue Dayton, Ohio 45417	All-Gone Termite & Pest Control, Inc. 9037 Sutton Place Hamilton, Ohio 45011
B&B Window & Door, LLC 6417 Taylor Road Cincinnati, Ohio 45248	Baron James Osterman 310 Ezzard Charles Drive Cincinnati, Ohio 45214
Brett Thomas 3567 Edwards Road, #3 Cincinnati, Ohio 45204	Call Source P. O. Box 60280 Los Angeles, CA 90060-0280
Charles Brown dba Charlie's Carpet Service 4874 Reading Road Cincinnati, Ohio 45237	Christopher M. Vogelpohl 312 Ezzard Charles Drive Cincinnati, Ohio 45214
Cincinnati Bell P. O. Box 748003 Cincinnati, Ohio 45274-8003	Cincinnati Color Company 1027 Dalton Avenue Cincinnati, Ohio 45203
Cincinnati Development Fund 1100 Walnut Street Cincinnati, Ohio 45202	Cincinnati Metropolitan Housing Authority 16 West Central Parkway Cincinnati, Ohio 45202
Cincy Carpets Unlimited, Inc. 10270 Spartan Drive Cincinnati, Ohio 45215	Cintas Corporation – Ohio P. O. Box 630803 Cincinnati, Ohio 45263-0803
CORE Communications, LLC P. O. Box 531 Suffield, CT 06078	Cort Furniture Rental Cort Business Services P. O. Box 17401 Baltimore, MD 21297-1401
DMG Contractors 3055 Blue Rock Road Cincinnati, Ohio 45239	Donald R. Meece 5083 Colerain Avenue Cincinnati, Ohio 45224
Donald Ruberg 151 Palisades Pt. #6 Cincinnati, Ohio 45238	Donnellon McCarthy, Inc. P. O. Box 932332 Cleveland, Ohio 44193
Doppes, J.B. Sons Lumber Company 1001 Dalton Avenue Cincinnati, Ohio 45203	Duke Energy P. O. Box 9001076 Louisville, KY 40290-1076
Ellis Management Services, Inc. 4324 N. Beltine Road, #C105 Irving, TX 75038	Ellis, Partners in Mystery Shopping 4324 N. Beltine Road, #C105 Irving, TX 75038
Enquirer Media 312 Elm Street Cincinnati, Ohio 45202	Express Services, Inc. 8516 NE Expressway Oklahoma City, OK 73162

Grainger Industrial Supply Dept. 088-855809521 Palatine, IL 60038	HD Supply Facilities Maintaince, LDT P. O. Box 509058 San Diego, CA 92150-9058
Jason Ader 705 Miami Avenue Terrace Park, OH 45174	Ken Neyer Plumbing, Inc. 4895 State Road 128 Cleves, Ohio 45002
Larrys Lock Safe & Sec. Ctr., Inc. 8055 Plainfield Road Cincinnati, Ohio 45236	Mark Bode 310 Ezzard Charles Drive Cincinnati, Ohio 45214
Ohio Housing Finance Agency 57 E. Main Street Columbus, Ohio 43215	Overhead Door Company Greater Cincinnati, Inc. P. O. Box 8187 West Chester, Ohio 45069-8187
Peachtree Business Products P. O. Box 13290 Atlanta, Georgia 30324	Rice Electrical Sales, Inc. 2611 Kemper Lane Cincinnati, Ohio 45206
Ricoh Americas Group P. O. Box 73210 Chicago, IL 60673-7210	Royal Finish, Inc. 12225 Greenville Avenue, Suite 700 Dallas, Texas 75243
Rumpke P. O. Box 538708 Cincinnati, Ohio 45243	Sharon Bolling 3246 Rocker Drive Cincinnati, Ohio 45239
Stanley Doss 1429 Jones Street, Apt. B Cincinnati, Ohio 45214	Staples Credit Plan P. O. Box 689020 Des Moines, Iowa 50368-9020
Superior Janitor Supply, Inc. 6240 Wiehe Road Cincinnati, Ohio 45237	TCB – Prepaid Payroll 95 Berkeley Street Boston, MA 02116
Teasdale Fenton Carpet Cleaner & Restoration, LLC 188 Bell Tower Circle Batavia, Ohio 45103	Terminix International 4455 Salzman Road Middletown, Ohio 45044
The Community Builders, Inc. 95 Berkeley Street Boston, MA 02116	Timothy M. Grieshop-Petty Cash City West 1201 Linn Street Cincinnati, Ohio 45203
U.S. Affordable Housing Community Invest c/o Federal Housing Finance Agency 1700 G. Street, NW – 4 th Floor Washington, DC 20552	United Advertising Publications, Inc. dba For Rent Magazine 75 Remittance Drive, #1705 Chicago, IL 60674-1705

Viva Group, Inc. dba Rent, Inc. 2425 Olympic Blvd., Suite 400E Santa Monica, CA 90404	PNC Bank, N.A., as Trustee c/o H. Toby Schisler, Esq. Sarah Sparks Herron, Esq. Dinsmore & Shohl, LLP 1900 Chemed Center 255 E. Fifth Street Cincinnati, Ohio 45202
Ohio Housing Finance Agency c/o Donn D. Rosenblum, Esq. Assistant Attorney General 150 E. Gay Street, 21 st Floor Columbus, Ohio 43215	Cincinnati Metropolitan Housing Authority c/o Jeffrey P. McSherry, Esq. Andrew M. Shott Brickler & Eckler LLP 9277 Centre Pointe Drive, Suite 100 West Chester, Ohio 45069
National Equity Fund Assignment Corporation c/o David A. Eberly, Esq. Eberly McMahon LLC 2321 Kemper Lane, Suite 100 Cincinnati, Ohio 45206	Wachovia Affordable Housing Community Development Corporation c/o Maura L. Hughes, Esq. Gabrielle T. Kelly, Esq. Calfee, Halter & Griswold LLP 1400 KeyBank Center 800 Superior Avenue Cleveland, Ohio 44114
City of Cincinnati c/o Robert Weiser, Esq. Assistant City Solicitor Room 215, 801 Plum Street Cincinnati, Ohio 45202	